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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,228	02/26/2004	Tadashi Ichida	SN-US045009	9187

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EXAMINER
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LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/786,228	ICHIDA ET AL.
	Examiner Avraham Lerner	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,10-12 and 17 is/are rejected.
- 7) Claim(s) 2-9, 13-16 and 18-20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>0304</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on July 14, 2004. These drawings are acceptable.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement, filed March 26, 2004, is acknowledged and has been considered.

### ***Claim Objections***

3. Claim 17 is objected to because of the following informalities: the word "of" in line 4 should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 10, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Watari (U.S. Patent No. 5,577,969).

Watari shows an electric derailleur comprising all elements as claimed, including a motor unit (24) configured and arranged to rotate an output shaft in a first rotational direction and a second rotational direction that is opposite the first rotational direction (see column 3, lines 3-4); a front derailleur including a fixing body, a chain guide (3b) and a derailleur linkage (6a) operatively coupled between the fixing body and the chain guide to move between a first shift position and a second shift position; and a motor linkage operatively coupled to the output shaft of the motor unit and the front derailleur linkage to move the chain guide from the first shift position to the second shift position upon rotation of the output shaft in the first rotational direction and move the chain guide from the second shift position to the first shift position upon rotation of the output shaft in the second rotational direction, the motor linkage including a drive link configured and arranged relative to the output shaft and the derailleur linkage to shift the chain guide between the first shift position and the second shift position, and a mechanical adjustment device (e.g. 3c), as broadly recited, configured and arranged to change the first and second shift positions of the chain guide relative to the fixing body.

6. Claims 1, 10, 11, 12, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitamura (U.S. Patent No. 6,767,308).

Kitamura shows an electric derailleur comprising all elements as claimed, including a motor unit (72) configured and arranged to rotate an output shaft in a first rotational direction

and a second rotational direction that is opposite the first rotational direction (see column 7, lines 14-17); a front derailleur (28) including a fixing body, a chain guide and a derailleur linkage (see column 7, last paragraph) operatively coupled between the fixing body and the chain guide to move between a first shift position and a second shift position; and a motor linkage operatively coupled to the output shaft of the motor unit and the front derailleur linkage to move the chain guide from the first shift position to the second shift position upon rotation of the output shaft in the first rotational direction and move the chain guide from the second shift position to the first shift position upon rotation of the output shaft in the second rotational direction, the motor linkage including a drive link configured and arranged relative to the output shaft and the derailleur linkage to shift the chain guide between the first shift position and the second shift position, and a mechanical adjustment device, as broadly recited, configured and arranged to change the first and second shift positions of the chain guide relative to the fixing body.

*Allowable Subject Matter*

7. Claims 2-9, 13-16, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stuhlmuller et al. (U.S. Patent No. 3,919,891), Hsu (U.S. Patent No. 5,514,041), Ethington (U.S. Patent No. 5,681,234), Fujii (U.S. Patent Application Publication No. 2002/0190173), Turner (U.S. Patent No. 6,629,574), Campagnolo (U.S. Patent Application

Publication No. 2004/0063528), Kitamura et al. (U.S. Patent Application Publication No. 2004/0115962), Fukuda (EPO Patent No. 1,010,613), Dal Pra' (EPO Patent No. 1,357,023), and Butz (DE Patent No. 4,340,471) disclose electric motors and linkages for shifting front bicycle derailleurs.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423. The examiner can normally be reached on M-F (8:15-5:45) first Wednesday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVRAHAM LERNER  
PRIMARY EXAMINER

*A. Lerner* 3/16/05

March 16, 2005